

## **REMARKS**

Applicant wishes to thank the Examiner for the attention accorded to the instant application, and respectfully requests reconsideration of the application as amended.

### **Formal Matters**

In this Response, claims 1, 4-6, 23, 26-28, 38-41 and 48 are amended to more clearly recite the invention. Claims 1, 23 and 39 are amended to recite “at least one opinion leader” and “one of the opinion leaders selected by the user”; also, “programs” is amended to “broadcast programs” to distinguish between broadcast programs, and received/recorded programs. Support for the amendments to claims 1, 23 and 39 can be found in the specification on page 13, line 20 to page 14, line 14. Claims 4-6 are amended to reflect the amendments in claim 1; claims 26 to 28 are amended to reflect the amendments in claim 23, and claims 40 and 41 are amended to reflect the amendments in claim 39. Claims 38 and 48 are amended to include the limitation of “disclosing timer recording pattern information at a server”. Support for this amendment can be found in original claim 22.

Applicant thanks the Examiner for acknowledging the claim of foreign priority under 35 U.S.C. 119 (a)-(d), and for review and consideration of the references cited in the Information Disclosure Statements filed on June 21, 2004, and on June 20, 2005.

### **Specification**

In the specification, the following paragraphs have been amended to make minor editorial corrections. The paragraph beginning on page 3, line 4, the two paragraphs beginning on page 5, line 3; the paragraph beginning on page 8, line 1; and the paragraph beginning on page 22, line 24.

**Rejection of Claims 1-5, 9, 23-27 and 31 Under 35 U.S.C. §102**

Claims 1-5, 9, 23-27 and 31 are rejected under 35 U.S.C. § 102(b) as anticipated by Hasegawa, U.S. Patent No. 7,003,213. This rejection should be withdrawn based on the comments and remarks herein.

Among the problems recognized and solved by Applicant's claimed invention is the need for an easy process to automatically record broadcasts which reliably reflect a user's taste, immediately after the user has begun the process, by using criteria clear to the user, to determine which programs to automatically record. The present inventive apparatus and method include a broadcast recording apparatus that selects a program that meets a user's taste, and automatically records the selected program. Opinion leaders each offer timer recording pattern information for recommended programs. The selection of the program for a user can be based on these recommendations of the opinion leaders, or on selection standards, or both. Once program selection is made, the broadcast recording apparatus receives and records the selected programs.

Hasegawa discloses an automatic broadcast program recorder with means for storing keywords designated by the user (column 1, lines 54-56). Hasegawa's automatic broadcast program recorder is adapted to automatic recording of digitally broadcast television programs (column 1, lines 8-10). This conventional automatic program recording method is disclosed in the present application as prior art on page 4, lines 4-13. Hasegawa discloses program selection based on user input keywords (column 4, lines 34-35, "user enters ... the keywords"); the keywords are entered into the user's automatic broadcast program recorder. The present invention improves upon the prior art by having an opinion leader recommending broadcast programs from the server instead of having a user select programs in his or her automatic broadcast program recorder based only on a keyword associated with the program. Thus,

independent claims 1 and 23 of the present invention recite “at said server: disclosing timer recording pattern information comprising at least identification for each of the broadcast programs recommended by at least one opinion leader”. Further, because Hasegawa does not disclose or suggest an opinion leader, he does not disclose or suggest acquiring said timer recording pattern information of one of the opinion leaders selected by the user as recited in claims 1 and 23. Accordingly, claims 1 and 23 both include features not found in the art of record in the application.

It has been held by the courts that “Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company et al.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). As illustrated above, Hasegawa does not disclose each and every feature of the invention as recited independent claims 1 and 23. Thus, claims 1 and 23 are patentable over the art of record in the application. Claims 2-5 and 9 depend from claim 1, and claims 24-27 and 31 depend from claim 23, each dependent claim incorporating all of the features and limitations of its base claim. Thus claims 2-5, 9, 24-27 and 31 are patentable over the art of record in the application for at least the reasons that their base claims are patentable over the art of record. Therefore, withdrawal of this rejection is kindly requested.

#### **Rejection of Claims 10-22 and 32-48 Under 35 U.S.C. §102**

Claims 10-22 and 32-48 are rejected under 35 U.S.C. §102(e) as anticipated by Finseth et al., U.S. Patent No. 6,813,775 (hereinafter “Finseth”). This rejection should be withdrawn based on the comments and remarks herein.

Finseth discloses a method and apparatus for sharing user preferences (column 1, lines 57-58). A user transmits at least a portion or a processed version of his selected viewing

preference information to a recipient, either directly or through a third party, such as the broadcaster providing the media program (column 12, lines 42-53). The selected viewing preference information consists of attributes associated with the user's channel and television program selections (column 11, lines 14-15). Finseth further discloses using conditional logic to define a television channel, so that the content can be varied from viewer to viewer (column 11, lines 61-62). The user's receiver evaluates the conditional logic and determines whether the conditional channel content can be displayed by the user (column 11, line 67 to column 12, line 5). Thus a television channel of Finseth transmits broadcast programs and conditional logic, and the user's receiver, using this conditional logic instead of program attributes, determines whether a program can be viewed. Finseth does not disclose or suggest determining the playback status of a recorded program, and therefore does not include playback status as viewing preference information.

By contrast, the present invention recites "sending information of playback statuses of recorded programs to said server", "calculating a taste level indicative of how much each program meets the user's taste" and "deleting recorded programs successively from programs of lower taste levels" in independent claims 10, 13, 16, 19, 32, 35, 42, and 45. Thus, playback status of recorded programs is sent to the server. Based on this playback status, a value or an amount of "taste level" for each program is computed and assigned. As discussed above, Finseth does not disclose or suggest sending playback statuses to a server. Further, Finseth does not disclose or suggest calculating a taste level, and therefore, does not disclose or suggest *deleting recorded programs based on lower taste levels* as recited in independent claims 10, 13, 16, 19, 32, 35, 42, and 45. Thus, Finseth does not disclose or suggest each feature of these independent claims. Claims 11 and 12 depend from claim 10, claims 14 and 15 depend from claim 13, claims

17 and 18 depend from claim 16, claims 20 and 21 depend from claim 19, claims 33 and 34 depend from claim 32, claims 36 and 37 depend from claim 35, claims 43 and 44 depend from claim 42, and claims 46 and 47 depend from claim 45, each dependent claim incorporating all of the features and limitations of its base claim. Thus, claims 11-12, 14-15, 17-18, 20-21, 33-34, 36-37, 43-44, and 46-47 are patentable over the art of record in the application for at least the reasons that their base claims are patentable over the art of record.

Independent claims 22, 38 and 48 recite “disclosing timer recording pattern information for recording programs selected according to respective predetermined selecting standards from the broadcast programs at the server”. Finseth discloses that a user can share his preferences by sharing information in his user-specific sub-history table (column 12, lines 29-33). As discussed above, these user specific preferences include only information about programs already selected by a user; no timer recording pattern information, that is, times, channels, etc., indicating when new programs will be available for recording, is provided from the server. Thus Finseth does not disclose or suggest the limitations of disclosing or acquiring timer recording pattern information from the broadcast programs at the server as recited in claims 22, 38 and 48.

Further, Finseth does not disclose or suggest either “storing, in a memory, timer recording pattern information” or “displaying the timer recording pattern information on said web page” as recited in independent claim 39. Thus, Finseth does not disclose or suggest each feature of independent claim 39, so that claim 39 is patentable over the art of record in the application. Claims 40 and 41 depend from claim 39, incorporating all of the features and limitations of the base claim so that claims 40 and 41 are patentable over the art of record in the application for at least the reasons that claim 39 is patentable over the art of record.

Accordingly, applicant requests that this rejection be withdrawn.

### Rejection of Claims Under 35 U.S.C. §103

Claims 6-8 and 28-30 are rejected under 35 U.S.C. §103(a) as unpatentable over Hasegawa and further in view of Finseth. This rejection should be withdrawn based on the comments and remarks herein.

As discussed above, Hasegawa fails to disclose or suggest “disclosing, at said server, timer recording pattern information comprising at least identification for each of the broadcast programs recommended by at least one opinion leader” and also does not disclose or suggest “acquiring said timer recording pattern information of one of the opinion leaders selected by the user” as recited in independent claims 1 and 23. Finseth does not overcome this deficiency, and the Examiner does not allege otherwise. The Examiner contends that Finseth teaches recording a playback history including information of whether the recorded program is played back or not, and selecting an opinion leader who meets the user’s taste based on playback history. Applicant disagrees.

As discussed above, Finseth does not disclose determining whether a recorded program is played back or not. Finseth discloses that “television programs the user selects when “channel surfing”, or television programs displayed when the user has forgotten to turn off the receiver are filtered out” (column 10, lines 59-63). No teaching or suggestion is made regarding recorded programs, and no teaching is made regarding playing back recorded programs. Thus the hypothetical combination of Hasegawa and Finseth does not disclose or suggest each and every feature of the present invention as recited in independent claims 1 and 23. Claims 6-8 depend from claim 1, and claims 28-30 depend from claim 23, each dependent claim incorporating all of the features and limitations of its base claim. Thus these dependent claims are patentable over

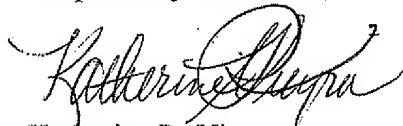
the art of record in the application for at least the reasons that their base claims are patentable over the art of record in the application.

It has been held by the courts that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See, *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As illustrated above, the hypothetical combination of Hasegawa and Finseth does not disclose or suggest each and every feature of the present invention as recited in independent claims 1 and 23. Thus these claims are distinguishable over the art of record in the application, as are their dependent claims, claims 6-8 and claims 28-30. Therefore, withdrawal of this rejection is kindly requested.

Conclusion

In light of the foregoing, Applicant respectfully submits that all pending claims recite patentable subject matter, and kindly solicits an early and favorable indication of allowability. If the Examiner has any reservation in allowing the claims, and believes a further telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully Submitted,



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